

## (A) IN GENERAL.

ANY PERSON WHOSE APPLICATION FOR A PHARMACY PERMIT HAS BEEN DENIED OR WHOSE PHARMACY PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER THIS TITLE MAY:

(1) APPEAL THAT ACTION TO THE BOARD OF REVIEW;  
AND

(2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

## (B) STAY OF ORDER.

IF AN APPEAL IS TAKEN UNDER THIS SECTION, THE BOARD MAY STAY ITS ORDER OF SUSPENSION OR REVOCATION PENDING THE DECISION OF THE COURT.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 43, § 268(d).

In subsection (a) of this section, the reference to "suspended" pharmacy permits is added to conform to the like addition in § 12-409 of this subtitle. See the revisor's note to that section.

Also as to subsection (a) of this section, present Art. 43, § 268(d) seems to imply that the appeal may be taken directly to the courts. However, this is an obsolete and inaccurate statement of the current state of the law. This revision restates the law to show the intended jurisdiction of the Board of Review under Art. 41, §§ 206A and 206B of the Code and the intended application of the Administrative Procedure Act under Art. 41, § 244 et seq. of the Code. These provisions apply in any event. No substantive change is intended.

Also as to subsection (a) of this section, present Art. 43, § 268(d) describes the courts to which an appeal under this section may be taken. That description is not totally consistent with the Administrative Procedure Act, Art. 41, § 255(b) of the Code. To the extent that the Administrative Procedure Act is inconsistent with present Art. 43, § 268(d), it seems clear that the intent of the General Assembly was that the Administrative Procedure Act should govern. See Section 3 of Ch. 94, Acts of 1957. Therefore, the description in present Art. 43, § 268(d) of the courts to which an appeal may be taken is deleted as superseded in part and, to the extent that it is not superseded, as needlessly repetitive of provisions in the Administrative